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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/418,503	Applicant(s) YAMADA ET AL.	
	Examiner LUONG T NGUYEN	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/28/01; 5/23/01; 9/08/03.</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because of the informalities addressed in form PTO 948 and the following informalities.

In Figures 3-6, "LCD 22" should be changed to --LCD 30--.

In Figure 3, the Japanese character next to OFF should be deleted.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the

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drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 3, 13, 7, 17, 21, 30, 35, 37, 40-43 are objected to because of the following informalities:

Claim 3 (line 3), claim 13 (line 3), “the display” should be changed to --the display device--.

Claim 7 (line 17), claim 17 (line 18), “a single static image” should be changed to --the single static image--.

Claim 21 (lines 13-14), “static frames, of said static frames” should be changed to --static frames, said static frames--.

Claim 30 (line 11), claim 37 (line 12), “the operation device” should be changed to --an operation device--.

Claim 35 (line 4), claim 42 (line 4), “an a last” should be changed to --and a last--.

Claim 40 (line 5), claim 41 (line 5), claim 42 (line 4), claim 43 (line 5), “a display step” should be changed to --the display step--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20, 31-33, 35-36, 38-40, 42-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Ejima et al. (US 6,342,900).

Regarding claim 1, Ejima et al. discloses a digital camera, comprising an imaging device (CCD 20, figure 6, column 3, lines 60-67) configured to convert an optical object image focused through an photographic optical system (photographic lens 3, figure 6, column 3, lines 55-60) into image information; a recording medium (memory card 24, figure 6, column 6, lines 8-21) configured to have said image information written thereto; an operator controlled operation device (release switch 10, figure 1, column 4, lines 53-67) configured to enable an operator to set photographing instructions; a photograph process device (image processor 31, A/D converter 32, DSP 33, buffer memory 36 and CPU 39, figure 6, column 6, lines 1-13) configured to write the image information in the recording medium after processing the image information according to the photographing instructions; a read out/display device (DSP 33, frame memory 35, CPU 39, figure 6, column 6, lines 14-21) configured to read out the image information written in the recording medium and display the image information; a mode selection device (mode switch 13, figure 1, column 4, lines 57-67) configured to enable said operator to select a movie capture mode of operation (continuous mode switch 13 is switched to the position "H", column 5, lines 3-8) in which moving images are photographed as successive images while the operation device

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is operated ; and a display time control device configured to operate the read out/display device for a predetermined time so as to read out and display at least two frames of the successive images in the movie capture mode after the photograph process device writes the image information consecutively in the recording medium (CPU 39, timer 45, figure 6, column 8, lines 45-54).

Regarding claims 2, 12, Ejima et al. discloses said at least two frames being a first frame and a last frame of said successive images, said first frame and said last frame being sequentially displayed (figure 13).

Regarding claims 3, 13, Ejima et al. discloses said at least two frames being a first frame and a last frame of said successive images, said first frame and said last frame being displayed on a same page of the display (figure 13).

Regarding claims 4, 8, 14, 18, Ejima et al. discloses said operator controlled operation device being configured to enable the operator to set a duration of said predetermined time (column 8, lines 47-54).

Regarding claims 5, 9, 15, 19, Ejima et al. discloses said display time control device being configured to be disabled such that said at least one of said at least two frames are continuously displayed (figure 13).

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Regarding claims 6, 10, 16, 20, Ejima et al. discloses said read out/display device includes a liquid crystal display (LCD 6, figure 6).

Regarding claim 7, all the limitation are contained in claim 1, therefore, see Examiner's comments regarding claim 7, except the feature "normal photographing mode", which is disclosed in Ejima et al. as switch 13 is switched to S mode (column 4, lines 57-65).

Regarding claim 11, all the limitation are contained in claim 1, therefore, see Examiner's comments regarding claim 7, except the feature "continuous shoot mode", which is disclosed in Ejima et al. as switch 13 is switched to L mode (column 4, line 65 – column 5, line 2).

Regarding claim 17, all the limitation are contained in claim 7, therefore, see Examiner's comments regarding claim 7, except the feature "continuous shoot mode", which is disclosed in Ejima et al. as switch 13 is switched to L mode (column 4, line 65 – column 5, line 2).

Regarding claim 31, Ejima et al. discloses a digital camera, comprising means for capturing (CCD 20, figure 6) during a first time period an electronic representation of a plurality of recordable images of an object; means for recording (image processor 31, A/D converter 32, DSP 33, buffer memory 36 and CPU 39, figure 6, column 6, lines 1-13) during a second time period the electronic representation of said plurality of recordable images in a computer readable medium (memory card 24, figure 6); means for turning on a display, reading out (DSP 33, frame memory 35, CPU 39, figure 6, column 6, lines 14-21) a portion of said electronic representation

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of said plurality of recordable images and displaying on said display during a third time period at least one image that corresponds with the portion of said electronic representation of said recordable images.

Regarding claim 32, Ejima et al. discloses means for selecting a mode of operation (mode switch 13, figure 1) that controls conditions under which the electronic representation of the plurality of recordable images are captured.

Regarding claim 33, Ejima et al. discloses means for selecting normal photographing mode (mode switch 13 is switched to S mode, column 4, lines 57-65); means for displaying a first and a last of separate static images captured in an imaging sequence (figure 12).

Regarding claim 35, Ejima et al. discloses means for selecting movie capture mode (mode switch 13 is switched to H mode, column 5, lines 3-8); means for displaying a first and a last of moving image of a sequence of moving image (figure 13).

Regarding claim 36, Ejima et al. discloses means for selecting continuous shoot mode (mode switch 13 is switched to L mode, column 4, line 65 – column 5, line 2); means for displaying a first and a last of said multiple static images (figure 12).

Claims 38-40, 42-43 are method claims of apparatus claims 31-33, 35-36, respectively. Therefore, see Examiner's comments regarding claims 31-33, 35-36, respectively.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 21, 23-30, 34, 37, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima et al. (US 6,342,900) in view of Matsushima (US 5,333,027).

Regarding claims 26, 34, 41, Ejima et al. discloses a digital camera, comprising an imaging device (CCD 20, figure 6, column 3, lines 60-67) configured to convert an optical object image focused through an photographic optical system (photographic lens 3, figure 6, column 3, lines 55-60) into image information; a recording medium (memory card 24, figure 6, column 6, lines 8-21) configured to have said image information written thereto; an operator controlled operation device (release switch 10, figure 1, column 4, lines 53-67) configured to enable an operator to set photographing instructions; a photograph process device (image processor 31, A/D converter 32, DSP 33, buffer memory 36 and CPU 39, figure 6, column 6, lines 1-13) configured to write the image information in the recording medium after processing the image information according to the photographing instructions; a read out/display device (DSP 33, frame memory 35, CPU 39, figure 6, column 6, lines 14-21) configured to read out the image information written in the recording medium and display the image information; a mode selection device (mode switch 13, figure 1, column 4, lines 57-67) configured to enable said operator to select a normal photographing mode (continuous mode switch 13 is switched to the position "S", column 4, lines 57-67) in which a single static image is photographed each time an

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operator reactuates the operation device; and a display time control device configured to operate the read out/display device for a predetermined time so as to read out and display a single static image that was last taken when in said normal photographing mode (CPU 39, timer 45, figures 6, figure 12, column 8, lines 45-54).

Ejima et al. fails to specifically disclose an auto bracketing mode in which a same static image is photographed in multiple frames with different predetermined exposure values set by said photographing instructions. However, Matsushima teaches a camera, which includes an automatic exposure bracketing mode (see abstract, column 1, lines 10-13, line 60 – column 2, line 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ejima et al. by the teaching of Matsushima in order to provide a camera which permits automatic exposure bracketing photography of a subject to be performed by an easy operation and which can effect optimum-exposure photography of a moving subject without losing a shutter opportunity even during the AEB photography of the moving subject (column 1, lines 60-66).

Ejima et al. Masushima fail to specifically disclose a display time control device configured to operate said read out/display device for another predetermined time so as to read out and display a frame of said multiple frames when in said auto bracketing mode. However, Ejima et al. discloses a display time control device configured to operate the read out/display device for a predetermined time so as to read out and display a single static image (CPU 39, timer 45, figures 6, figure 12, column 8, lines 45-54). Therefore, it would have been obvious to include a display time control device for reading out and displaying a frame of said multiple

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frames when in said auto bracketing mode into the camera of Ejima et al. in order to allow the camera has more photography modes.

Regarding claims 23, 27, Ejima et al. discloses said operator controlled operation device being configured to enable the operator to set a duration of said predetermined time and said another predetermined time (column 8, lines 47-54).

Regarding claims 24, 28, Ejima et al. discloses said display time control device being configured to be disabled such that said at least one of said single static image and a frame is continuously displayed (figure 13).

Regarding claims 25, 29, Ejima et al. discloses said read out/display device includes a liquid crystal display (LCD 6, figure 6).

Regarding claim 21, all the limitations are contained in claim 26. Therefore, see Examiner's comments regarding claim 26.

Regarding claim 30, all the limitations are contained in claim 26, therefore, see Examiner's comments regarding claim 26, except the feature "a movie capture mode" and "a continuous shoot mode", which are disclosed by Ejima et al. as continuous mode switch 13 is switched to the position "H", column 5, lines 3-8 (movie capture mode); and as continuous mode

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switch 13 is switched to the position "L", column 4, line 65 – column 5, line 2 (continuous shoot mode).

As for claim 37, claim 37 is a method claim of apparatus claim 30. Therefore, see Examiner's comments regarding claim 30.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima et al. (US 6,342,900) in view of Matsushima (US 5,333,027) further in view of Tagaki (US 5,486,893).

Regarding claim 22, Ejima et al. Masushima fail to specifically disclose the read out/display device is also configured to display a second static frame of the multiple static frames, said multiple static frames being three frame in total. However, Tagaki teaches a camera, in which three frames with different exposure are displayed (figure 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ejima et al. Masushima by the teaching of Takagi in order to allow the operator observes to select a proper exposure of an image before actual photographing.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawamura et al. (US 5,576,759) discloses image processing system for classifying reduce image data.

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Kuba et al. (US 5,806,072) discloses electronic imaging apparatus.


Ito (US 6,677,991) discloses portable display apparatus with a real-time data display capability and display control method.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER